

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED SEVENTEENTH LEGISLATIVE DAY
FRIDAY, MAY 8, 2009

House of Representatives

The House convened at 10 a.m., Mr. Moyle in the Chair.

Roll call showed 58 members present.

Absent and excused – Boe, Clark, Hart, Higgins, Kren, Ringo, Ruchti, Shepherd(02), Shepherd(08), Smith(24), Trail, Wills, Mr. Speaker. Total – 14.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Chaplain Tom Dougherty.

Approval of Journal

May 8, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the One Hundred and Sixteenth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

May 7, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1130](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker Pro Tem announced the Speaker was about to sign enrolled [S 1130](#) and, when so signed, ordered it returned to the Senate.

May 7, 2009

Mr. Speaker:

I return herewith [H 275](#) which has passed the Senate.

WOOD, Secretary

[H 275](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

May 7, 2009

Mr. Speaker:

I return herewith [H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, which have passed the Senate.

WOOD, Secretary

[H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, were ordered held at the Desk.

Mr. Nonini asked unanimous consent that the House concur in the Senate amendments to [H 303](#), as amended in the Senate, as amended in the Senate. There being no objection, it was so ordered.

Mr. Roberts asked unanimous consent that the House concur in the Senate amendments to [H 338](#), as amended in the Senate. There being no objection, it was so ordered.

[H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

May 8, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House amendments to [S 1150](#) and [S 1182](#), as amended.

CLARK, Chairman

May 8, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate.

CLARK, Chairman

[H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, were filed for first reading of engrossed bills.

May 8, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 226](#) and [H 334](#) to the Governor at 9:15 a.m., as of this date, May 8, 2009.

CLARK, Chairman

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

[S 1150](#), as amended in the House, and [S 1182](#), as amended, as amended in the House, by Judiciary and Rules Committee, were introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

[H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, by Ways and Means

Committee, were introduced, read the first time by title, and filed for second reading.

At this time the Speaker took the Chair.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

May 7, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 344](#) and [H 345](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

May 8, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1225](#), [S 1235](#), [S 1239](#), and [S 1246](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1225](#), [S 1235](#), [S 1239](#), and [S 1246](#) and, when so signed, ordered them returned to the Senate.

May 8, 2009

Mr. Speaker:

I transmit herewith [S 1228](#) and [S 1236](#) which have passed the Senate.

WOOD, Secretary

[S 1228](#) and [S 1236](#) were filed for first reading.

May 8, 2009

Mr. Speaker:

I return herewith [HCR 32](#), [HCR 34](#), [H 211](#), [H 374](#), [H 376](#), [H 377](#), and [H 378](#) which have passed the Senate.

WOOD, Secretary

[HCR 32](#), [HCR 34](#), [H 211](#), [H 374](#), [H 376](#), [H 377](#), and [H 378](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

May 8, 2009

Mr. Speaker:

I return herewith [H 286](#), as amended in the Senate, which has passed the Senate.

WOOD, Secretary

[H 286](#), as amended in the Senate, was ordered held at the Desk.

Mr. Henderson asked unanimous consent that the House not concur in the Senate amendments to [H 286](#), as amended in the Senate. There being no objection, [H 286](#), as amended in the Senate, was ordered filed in the office of the Chief Clerk.

Report of Standing Committees

May 8, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 275](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 275](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

[S 1228](#) and [S 1236](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1228](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1228](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Saylor, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – None.

Absent and excused – Boe, Clark, Hart, Higgins, Kren, Ringo, Rucht, Shepherd(02), Shepherd(08), Smith(24), Trail, Wills. Total – 12.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1228](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [S 1228](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Saylor, Schaefer,

Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – Durst. Total – 1.

Absent and excused – Boe, Clark, Hart, Higgins, Kren, Ringo, Ruchti, Shepherd(02), Shepherd(08), Smith(24), Trail, Wills. Total – 12.

Total = 70.

Whereupon the Speaker declared that [S 1228](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1236](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1236](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Saylor, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayne, Thompson, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – None.

Absent and excused – Boe, Clark, Hart, Higgins, Kren, Ringo, Ruchti, Shepherd(02), Shepherd(08), Smith(24), Trail, Wills. Total – 12.

Total = 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1236](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **S 1236** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hartgen, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Saylor, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Wood(27), Wood(35), Mr. Speaker. Total – 55.

NAYS – Durst, Harwood, Schaefer. Total – 3.

Absent and excused – Boe, Clark, Hart, Higgins, Kren, Ringo, Ruchti, Shepherd(02), Shepherd(08), Smith(24), Trail, Wills. Total – 12.

Total = 70.

Whereupon the Speaker declared that [S 1236](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 303](#), as amended in the Senate, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 303](#), as amended in the Senate, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Sayler, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayne, Thompson, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – None.

Absent and excused – Boe, Clark, Hart, Higgins, Kren, Ringo, Ruchti, Shepherd(02), Shepherd(08), Smith(24), Trail, Wills. Total – 12.

Total = 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 303](#), as amended in the Senate, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

Mr. Nonini asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [H 303](#), as amended in the Senate, as amended in the Senate. There being no objection it was so ordered.

The question being, "Shall H 303, as amended in the Senate, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Roberts, Rusche, Sayler, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayne, Thompson, Wood(27), Wood(35). Mr. Speaker. Total – 57.

NAYS – Pasley-Stuart, Trail. Total – 2.

Absent and excused – Boe, Clark, Hart, Higgins, Kren,
Ringo, Ruchti, Shepherd(02), Shepherd(08), Smith(24), Wills.
Total – 11.

Paired Votes:

AYE -- Raybould NAY -- Trail

(Pairs enumerated in roll call above.)

Total = 70.

Whereupon the Speaker declared H 303, as amended in the Senate, as amended in the Senate, passed the House. Title

was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 338](#), as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 338](#), as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Sayler, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – None.

Absent and excused – Boe, Clark, Hart, Higgins, Kren, Ringo, Ruchti, Shepherd(02), Shepherd(08), Smith(24), Trail, Wills. Total – 12.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 338](#), as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall [H 338](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Sayler, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – None.

Absent and excused – Boe, Clark, Hart, Higgins, Kren, Ringo, Ruchti, Shepherd(02), Shepherd(08), Smith(24), Trail, Wills. Total – 12.

Total – 70.

Whereupon the Speaker declared [H 338](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

May 8, 2009

Mr. Speaker:

I return herewith enrolled [H 275](#) which has been signed by the President.

WOOD, Secretary

Enrolled [H 275](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

May 8, 2009

Mr. Speaker:

I transmit herewith [S 1245](#) and [S 1147](#), as amended, as amended, which have passed the Senate.

WOOD, Secretary

[S 1245](#) and [S 1147](#), as amended, as amended, were filed for first reading.

Report of Standing Committees

May 8, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 32](#), [HCR 34](#), [H 211](#), [H 374](#), [H 376](#), [H 377](#), [H 378](#), [H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate.

CLARK, Chairman

The Speaker announced he was about to sign enrolled [HCR 32](#), [HCR 34](#), [H 211](#), [H 374](#), [H 376](#), [H 377](#), [H 378](#), [H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

[S 1245](#), by Finance Committee, was introduced, read the first time by title, and filed for second reading.

[S 1147](#), as amended, as amended, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1245](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1245](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, Moyle, Nielsen, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Saylor, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – None.

Absent and excused – Boe, Clark, Hart, Higgins, Kren, McGeachin, Nonini, Ringo, Ruchti, Shepherd(02), Shepherd(08), Smith(24), Trail. Total – 13.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1245](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [S 1245](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hartgen, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, Moyle, Nielsen, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Saylor, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Durst, Harwood, Schaefer. Total – 3.

Absent and excused – Boe, Clark, Hart, Higgins, Kren, McGeachin, Nonini, Ringo, Ruchti, Shepherd(02), Shepherd(08), Smith(24), Trail. Total – 13.

Total – 70.

Whereupon the Speaker declared that [S 1245](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Representative Rusche offered a special thanks to the Legislative staff for their patience and hard work during this session.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the First Regular Session of the Sixtieth Legislature adjourn Sine Die. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the motion carried and the First Regular Session of the Sixtieth Legislature adjourned Sine Die at 2:05 p.m., May 8, 2009.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

Note: The following is action recorded after House *Sine Die*:

May 8, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1228](#), [S 1236](#), and [S 1245](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1228](#), [S 1236](#), and [S 1245](#) and, when so signed, ordered them returned to the Senate.

May 8, 2009

Mr. Speaker:

I return herewith enrolled [HCR 32](#), [HCR 34](#), [H 211](#), [H 374](#), [H 376](#), [H 377](#), [H 378](#), [H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, which have been signed by the President.

WOOD, Secretary

Enrolled [HCR 32](#) and [HCR 34](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Enrolled [H 211](#), [H 374](#), [H 376](#), [H 377](#), [H 378](#), [H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

May 8, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 275](#) to the Governor at 2:30 p.m., as of this date, May 8, 2009.

CLARK, Chairman

May 8, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 32](#) and [HCR 34](#) to the Secretary of State at 4:15 p.m., as of this date, May 8, 2009.

CLARK, Chairman

May 8, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 211](#), [H 374](#), [H 376](#), [H 377](#), [H 378](#), [H 303](#), as amended in the Senate, as amended in the Senate, and [H 338](#), as amended in the Senate, to the Governor at 4:25 p.m., as of this date, May 8, 2009.

CLARK, Chairman

OFFICE OF THE GOVERNOR
Boise

May 11, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 346](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

OFFICE OF THE GOVERNOR
Boise

May 12, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 211](#), [H 226](#), [H 334](#), [H 338](#), as amended in the Senate, [H 376](#), [H 377](#), and [H 378](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

OFFICE OF THE GOVERNOR
Boise

May 18, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 303](#), as amended in the Senate, as amended in the Senate, [H 372](#), as amended in the Senate, and [H 374](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR
Boise

May 20, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today to the Secretary of State the following House bill which will be allowed to become law without my signature:

[H 275](#)

within the time prescribed by the Idaho Constitution.

Pursuant to law, the Idaho Lottery now distributes half of its dividends to the Permanent Building Fund and the other half to the School District Building Account. House Bill 275 will modify the Lottery distribution formula so that a portion of the revenue over and above FY08 levels will go to the Bond Levy Equalization Fund (Equalization Fund). From that fund, the state pays a portion of the costs attributable to annual interest and redemption payments for bonds passed by school districts after September 15, 2002.

HB 275 provides that the Permanent Building Fund and School District Building Account will receive no less money than they did in FY08 for the next five years unless dividends decrease. The legislation also provides that any money above the FY08 levels through 2014 will be distributed according to a formula allocating one-quarter (1/4) of additional revenues to the Equalization Fund, three-eighths (3/8) to the Permanent Building Fund and three-eighths (3/8) to the School District Building Account.

I am concerned that HB 275 does not satisfy the Equalization Funds ongoing needs. On its own, this legislation will not generate enough additional revenue to cover the Equalization Funds state costs now roughly \$17.9 million. The Lottery projects FY10 revenues to be approximately \$36.5 million, or only \$1.5 million over FY08 levels, which is less than one-tenth of the states current Equalization Fund costs. I worry that next session the Legislature will need to seek a new solution and additional revenue for the Equalization Fund.

HB 275 has been discussed as a temporary solution until the Capitol restoration is paid for and those funds could be shifted to the Equalization Fund. If true, more discussion is needed before additional revenue sources, such as the Capitol restoration funding, are identified to ensure we do not create a solution worse than the problem. We must work together to identify an appropriate revenue stream that does not impact the state, Permanent Building Fund or School District Building Account any more or any longer than envisioned in HB 275.

I also am concerned that HB 275 may be inconsistent with the original stated purpose of the Lottery to provide revenue specifically for the Permanent Building Fund and School District Building Account.

One of the supporting documents used for the constitutional amendment creating the Idaho Lottery stated [i]n 1988, the legislature...enacted Senate Bill No. 1471 which upon approval of H.J.R. No. 3 by the electorate at the 1988 general election...provides that the Idaho State Lottery Agency shall transfer one-half of its net income to the permanent building account and one-half of its net income to the school district building account....Moneys in both the permanent building account and the school district building account are utilized for one-time expenditures in constructing, repairing or remodeling needed state buildings or public school buildings.

To that end, I am concerned about the inherent inequality of HB 275. Not all schools participate or benefit from the Equalization Fund; however, all schools participate in the School District Building Account, which now receives half of the Lottery's dividends. Under this legislation, school districts that have not passed bonds since September 15, 2002, will receive less money than expected in the future if Lottery returns increase because they are locked in at FY08 levels until 2014.

I understand that HB 275 still devotes Lottery revenues to education specifically the construction, repair and remodeling of public schools. However, I wonder if the division proposed in this legislation would have been acceptable to the people of Idaho when they created the Lottery.

Despite my concerns and reservations, I am willing to see if this solution will work. Supporting the Equalization Fund and our neediest school districts is an important and noble endeavor. I applaud the Legislature for recognizing the need and exploring additional revenue sources to support the Equalization Fund. I look forward to working with the Legislature to identify an adequate, certain and appropriate funding source in the future.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

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CERTIFICATE

WE, LAWRENCE DENNEY, Speaker of the House of Representatives, and BONNIE ALEXANDER, Chief Clerk, do hereby certify and attest as follows:

That we have carefully compiled in the House Journal of the First Regular Session of the Sixtieth Legislature all of the proceedings of the One Hundred and Seventeenth Legislative Day, and that the said Journal contains a full, true, and correct record of all of the proceedings of said House of Representatives for said day and final action upon all legislation.

IN WITNESS WHEREOF, we have hereunto set our hands, this 27th day of May, 2009.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk